

## 21 C.J.S. Courts § 240

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### Courts

M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc; and Lonnie E. Griffith, Jr., J.D.

### VI. Rules of Adjudication, Decisions, and Opinions

#### D. Opinions

## § 240. Scope and sufficiency

[Topic Summary](#) | [References](#) | [Correlation Table](#)

### West's Key Number Digest

West's Key Number Digest, [Courts](#) 103, 106

**Unless required by statute, an opinion of an appellate court need not discuss all points raised.**

A trial court does not need to expressly respond to or comment on every factual and legal argument made by the parties in its opinion.<sup>1</sup> Similarly, unless it is required to do so by a statute or rule,<sup>2</sup> such as when an intermediate court's opinion must expressly address a question before the state supreme court acquires jurisdiction to review it,<sup>3</sup> an appellate court need not discuss and pass on all points raised on appeal.<sup>4</sup> However, an opinion that merely adopts and incorporates by reference one party's brief is inadequate.<sup>5</sup> The discussion should be limited to meritorious appellate points.<sup>6</sup>

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### Footnotes

1 U.S.—[Westside Property Owners v. Schlesinger](#), 597 F.2d 1214 (9th Cir. 1979).

Fla.—[Crumpton v. Crumpton](#), 443 So. 2d 315 (Fla. 1st DCA 1983).

2 Ohio—[Gannett v. Booher](#), 12 Ohio App. 3d 49, 465 N.E.2d 1326 (6th Dist. Huron County 1983).

3 Fla.—[Gandy v. State](#), 846 So. 2d 1141 (Fla. 2003).

4 Md.—[Daiger v. Daiger](#), 154 Md. 501, 140 A. 717 (1928).

Mo.—[Evans v. Williams](#), 222 Mo. App. 705, 4 S.W.2d 867 (1928).

N.C.—[Perry v. Sykes](#), 215 N.C. 39, 200 S.E. 923 (1939).

Okla.—[Hendrix v. State](#), 22 Okla. Crim. 230, 210 P. 734 (1922).

Utah—[Carter v. State](#), 2012 UT 69, 289 P.3d 542 (Utah 2012).

5 Del.—[B.E.T., Inc. v. Board of Adjustment of Sussex County](#), 499 A.2d 811 (Del. 1985).

6 Mich.—[Gambino v. Northern Ins. Co. of New York](#), 234 Mich. 651, 209 N.W. 119 (1926).

Okla.—[Wilson v. State](#), 1914 OK CR 22, 10 Okla. Crim. 518, 139 P. 528 (1914).

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